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February 5, 2004

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John K. McDonald, Ph.D.

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2720

REFERENCE NO

48498/261640

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COMMENTS

The facsimile confirmation of the Patent Office imprinted hereon will acknowledge receipt of:

Applicant:

Becler et al.

Title:

Method of Detecting Analytes in a Sample and Support for
this Purpose

Serial No./Docket No.:

09/890,665

48498-0120 (261640)

Filing Date

September 25, 2001

PAPERS SUBMITTED:

1. Communication to the Examiner

Date: February 5, 2004

By: John K. McDonald, Ph.D.

Reg. No. 42,860

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Becker et al.**)
Serial No.: **09/890,665**) Art Unit: **1641**
Filed: **September 25, 2001**) Examiner: **Nguyen, B. T.**
For: **METHOD OF DETECTING ANALYTES**)
IN A SAMPLE AND SUPPORT FOR THIS)
PURPOSE)

COMMUNICATION TO THE EXAMINER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

Further to our conversation on January 12, 2004 with the Legal Instruments Examiner at phone number (703) 308-0377 regarding the referenced patent application, we have not received the paper that was to inform us to disregard the Notice of Non-Compliant Amendment which was mailed on January 5, 2004. The Legal Instruments Examiner indicated to us that the Notice of Non-Compliant Amendment was sent in error. Since we have not received the Communication to ignore the Notice mailed January 5, 2004, we are using this opportunity to state that the Response to the Restriction Requirement filed December 8, 2003 was appropriate and responsive to the Office Action of October 6, 2003.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (Fax No. 703-872-9306) on the date shown below.

Typed Name of Person Signing Certification: John K. McDonald, Ph.D. Reg. No. 42,860



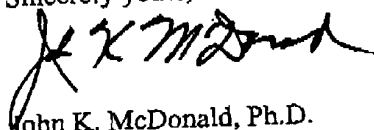
February 5, 2004

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Communication to the Examiner
U.S. Serial No. 09/890,665
Attorney Docket No. 48498-0120 (261640)
Page 2 of 2

Please do not hesitate to call if we may provide clarification concerning
this matter.

Sincerely yours,



John K. McDonald, Ph.D.
Reg. No. 42,860

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404/815-6500
Attorney Docket No.: 48498-0120 (261640)